GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector and District Magistrate, YSR District, Kadapa in respect of **Sri Shaik Musthafa, S/o Shahul Hameed, Aged 40 years, D.No.19/3A, 3rd Street, Nethaji Nagar, Tondairpet, Chennai-81, Tamilnadu State** - Confirmed – Orders – Issued.

GENERAL ADMINISTRATION (SC.I) DEPARTMENT

G.O.RT.No. 1306 **Dated: 14-06-2018**

Read the following:-

1. From the Collector and District Magistrate, YSR District, Kadapa, Proc. Ref. No.C1/ 226/ M/2018, Dated 24.04.2018.
2. G.O.Rt.No. 949, G.A.(SC.I) Dept., dated 02.05.2018.
3. Govt. Letter No.GAD01-76040/3/2018/SC.I/GAD-2, Dated 10.05.2018.
4. From the Advisory Board Report Dated: 25.05.2018.

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ORDER:

WHEREAS the Collector and District Magistrate, YSR District, Kadapa has made an order of detention, vide reference first read above under section 3 (1) & (2) read with Section 2 (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against **Sri Shaik Musthafa, S/o Shahul Hameed, Aged 40 years, D.No.19/3A, 3rd Street, Nethaji Nagar, Tondairpet, Chennai-81, Tamilnadu State**, who is habitually committing the offence for illicit cutting, dressing them into logs, illegal theft, storing, transportation and smuggling of Red Sanders heartwood causing wilful destruction of Red Sanders and immense damage to the public property, in addition to the assault against officials and attempt to murder of officials or abetment of the said offences. Because of his repeated anti-social activities, public order is very often disturbed and adversely affected. He is an habitual offender having involved in number of red sander cases.

2. AND WHEREAS the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, Under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members and the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 25.05.2018. After having heard the detenue and the Investigating Officers and also upon perusing the grounds

(PTO)

of detention and the connected records, has reported that in its opinion, "there is sufficient cause for the detention of the detenue, **Sri Shaik Musthafa, S/o Shahul Hameed, Aged 40 years, D.No.19/3A, 3rd Street, Nethaji Nagar, Tondairpet, Chennai-81, Tamilnadu State**".

4. AND WHEREAS, the Government on careful examination of the entire record, observed that the detenue, **Sri Shaik Musthafa, S/o Shahul Hameed, Aged 40 years, D.No.19/3A, 3rd Street, Nethaji Nagar, Tondairpet, Chennai-81, Tamilnadu State,** was involved in as many as in Nine (09) cases. The above cases were registered against him, under the provisions of Section Sec. 20(1)C (ii)(III)(iv)(vi) & (x), Sec.29, 29(4) & 68 Forest Act, as well as Chapter XVI or XVII or XXII of IPC, Rule 3 of A.P. Sandal Wood and red sanders Wood Transit Rules, 1969 and Sec.3 of PDPP Act, 1984 and Sec.51 of Wild Life Protection Act, 1972 and Sec. 147,148,307,353,379, (Theft of National Property), 120 (B) r/w 109 r/w 149 IPC, & Sec.3 of PDPP Act, 1984. The details shows that he is a habitual offender and a master mind behind the said offences. He has been organizing the illicit felling of red sanders, its theft, transport and smuggling to secret and unknown places in India apart from the reserve forest areas owned by the Government apart from supplying to other smugglers. He has been illegally smuggling red sanders wood duly cutting them from the pristine red sanders forests to the other parts of the country in the highly organized manner in connivances with other kingpin smugglers and also hand-in-glove with other notorious smugglers of contraband red sanders wood, who are smuggling the same across the international borders. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under Section 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenue are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order. The detaining authority having taken into account and consideration of indulgence of the detenue in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenue by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the Detenue. As such, the detenue deserves the maximum period of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under Sub-Section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector and District Magistrate,

(Contd....3)

YSR District, Kadapa in the ref. 1st read above, as approved in the G.O. 2nd read above and direct that the detention of **Sri Shaik Musthafa, S/o Shahul Hameed, Aged 40 years, D.No.19/3A, 3rd Street, Nethaji Nagar, Tondairpet, Chennai-81, Tamilnadu State**, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 25.04.2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
CHIEF SECRETARY TO GOVERNMENT (FAC)

To

Sri Shaik Musthafa, S/o Shahul Hameed, Aged 40 years, D.No.19/3A, 3rd Street, Nethaji Nagar, Tondairpet, Chennai-81, Tamilnadu State through the Superintendent of Jails, Central Prison, Kadapa, YSR District.

The Superintendent of Jails, Central Prison, Kadapa, YSR District (He should serve the Order on the detenue immediately under proper dated acknowledgment and arrange to read over and explain the contents of the same in the language known to the detenue and report compliance to the Government forthwith)

The Collector and District Magistrate, YSR District, Kadapa.

The Superintendent of Police, YSR District, Kadapa.

The Divisional Forest Officer, Proddatur, YSR District.

Copy to:

The Director General of Police, A.P., Mangalagiri, Guntur District.

The Director General and Inspector General of Prisons and Correctional Services, A.P., Vijayawada.

The Addl. Director General of Police (Intelligence), A.P., Vijayawada.

The Spl. Govt. Pleader, attached to Learned Advocate General, A.P.High Court, High Court Buildings, Hyderabad.

Sc/Sf.

//FORWARDED::BY ORDER//

Section Officer (SC)